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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,951

01/05/2004

Ching-Chuan Huang

MR2863-149

2042

4586

7590

01/13/2005

ROSENBERG, KLEIN & LEE
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EXAMINER

LEYBOURNE, JAMES J

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	10/750,951	HUANG ET AL.	
	Examiner	Art Unit	
	James J. Leybourne	2881	

-- The MAILING DATE of this communicati n appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure that is not enabling. A lighting tube coated with a layer of nanometer light-catalyzed material, so that light emitted from the lighting tube catalyzes the nanometer light-catalyzed material to generate disinfecting energy is critical or essential to the practice of the invention, but is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Neither the type of lighting tube nor the nanometer light-catalyzed material is described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Further, there is no explanation for how "disinfecting energy" is released to a "disinfecting energy irradiating area".

Claim Rejections - 35 USC § 103

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russel et al. (US 20040155201).

Regarding claim 1 and 3, in Fig. 3. Russel et al. disclose a sanitizing device for personal hygiene articles comprising a holding tray (lower compartment) with an upper cover (upper compartment) containing a power supply (battery) and ultraviolet lamp (disinfecting means) adjacent a light-transmissible window located on a holding board. An openings (vent) allows bacterial laden moisture on the toothbrush head to drain out [0020].

4. Claims 1, 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (USPN 5487877). In Fig.5 Choi discloses a sterilizing apparatus for personal articles that comprises a holding tray 40 and a disinfecting means 36 (UV light bulb). An upper cover 32 defines a closed receiving space and an on/off switch 44 controls the power supplied to the bulb. The holding tray 40 is stably supported on a lower cover 31. The light is powered by a battery (abstract).

Allowable Subject Matter

5. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 6 and 7, the prior art fails to teach or fairly suggest a disinfecting and desiccating container for a personal sanitary article comprising a holding tray adjacent to a disinfecting energy irradiating area wherein the holding tray has an article receiving recess and a clamping member for holding the article in place in the recess.

Relevant Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to show further show the state of the art with respect to methods of sanitizing or treating fluids with photopromoted catalyst.

Anderson (WO 9640430) discloses use of nano-particulate metal oxide catalyst to degrade gas phase organic cpds.

Ritche (USPN 5069885) discloses a photocatalytic fluid purification apparatus.

Robertson et al. (USPN 4892712) discloses a fluid purification device that uses a photoreactive catalyst.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 21, 2004

JJL


JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800